



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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MAY - 7 2014

Ref: 8EPR-N

Mr. Richard Mingo
Utah Reclamation Mitigation and Conservation Commission
230 S. 500 East Suite #230
Salt Lake City, Utah 84102

Re: Provo River Delta Restoration Project Draft
Environmental Impact Statement,
CEQ #20140051

Dear Mr. Mingo:

The U.S. Environmental Protection Agency Region 8 has reviewed the Draft Environmental Impact Statement (EIS) for the Provo River Delta Restoration Project developed by the Utah Reclamation Mitigation and Conservation Commission, the Central Utah Project Completion Act Office of the Department of the Interior and the Central Utah Water Conservancy District, collectively referred to as the Joint Lead Agencies (JLAs). Consistent with our authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed and rated this Draft EIS.

The Provo River Delta Restoration Project supports re-establishment of the June sucker (*Chasmistes liorus*), an endangered fish endemic to Utah Lake, by creating habitat suitable for juveniles. While this project alone has not been designed to remove the species' endangered status, it is an important step given the species' limited distribution. The Draft EIS identifies Alternative B as the preferred alternative because it minimizes the amount of private land necessary for acquisition while still enabling the river to develop an adequately sized delta ecosystem (p. ES-4). The EPA supports the project goal to improve habitat for aquatic life, including the June sucker, and provides the comments below for the JLAs' consideration in Final EIS development.

Monitoring and Adaptive Management

The Draft EIS does not include a plan to measure project success or to enable mitigation and management decisions to ensure that success. Since the project entails major channel reconfiguration, it will be important for post-project monitoring to include not only data to directly measure project purposes and goals such as June sucker recruitment, recreational opportunities and flow targets (p. ES-1), but also water quality and habitat succession, which are pertinent to the June sucker and overall ecosystem health. The EPA understands that other data collection efforts relevant to this project may be underway (e.g., those of the June Sucker Recovery Implementation Program, the Utah Division of Wildlife Resources, or the Utah Division of Water Quality) and, therefore, suggests that the monitoring plan focus on data that are not collected, or are not collected regularly

Additionally, the Draft EIS identifies a number of factors that may be contributing to problematic dissolved oxygen levels beyond sediment oxygen demand: summertime conditions when flows are low and temperatures are high, stormwater runoff, and nutrients and sedimentation enabling overabundant algae and macrophytes (p. 3-40). These factors relate to other measures that may need to be undertaken by the JLAs or the water quality task force if aerators and dredging are insufficient to improve DO.

Recommendations:

- Estimate how much DO improvement can be expected from aerator use and dredging/capping
 - Collect sediment oxygen demand (SOD) data to confirm that sediments are the primary cause of low DO, develop a quantified estimate of how much of an effect the sediments have, and identify areas where sediment removal may be most effective.
 - Compare SOD to both water column DO and the loading of oxygen-demanding compounds from the Provo River source area in order to evaluate the potential benefit of dredging or capping.
- Consider other mechanisms (e.g., reduction of oxygen-demanding sources and nutrients, improving water temperature with increased shading) to increase DO concentrations.

Source Analysis for Oxygen Demand. The Draft EIS does not identify sources of oxygen-demanding compounds to the Provo River and Utah Lake. Any improvement associated with the removal (i.e., dredging/capping) of oxygen-demanding sediments may only be short-term, reduced by their re-accumulation if the sources of those sediments continue to discharge into the river at loads exceeding the available oxygen demand. Consequently, identifying the sources of oxygen-demanding compounds and their precursors (e.g., nutrients) could reveal additional mechanisms to improve and sustain DO levels. Monitored total phosphorus values in the lower Provo River exceed the Utah Division of Water Quality indicator values for total phosphorus, and algae can be overabundant to the point of affecting both habitat and DO (p. 3-40, p. 3-58). The Utah Division of Water Quality conducted a study of Utah Lake that may contain helpful information regarding both point and nonpoint sources to the Provo River. It is available at:

<http://www.waterquality.utah.gov/TMDL/#approved>

The EPA's Envirofacts website contains information regarding point sources permitted through the Utah Pollutant Discharge Elimination System:

<http://www.epa.gov/enviro/index.html>

Recommendations:

- Identify sources of oxygen-demanding compounds and nutrients within the source area contributing to the Provo River.
- Utilize this information in a monitoring, adaptive management and mitigation plan.

Recommendation:

- Consider any potential adverse effects of increased pollutant levels in wetlands due to the river re-route under all alternatives.

Channel Morphology

The Draft EIS indicates that the existing channel will receive 10-50 cfs of flow under all alternatives, but will no longer receive any high flow events. Potential impacts to channel morphology may occur due to the loss of these effective discharge events, including fine sediment accumulation, loss of channel complexity, and encroachment of riparian vegetation. Similarly, in the “Existing Channel Vegetation Community” section, there is no discussion of how loss of these high flow events could influence long-term riparian tree recruitment.

Recommendation:

- Consider the effects of reduced high flow events to the existing channel’s morphology and vegetation.

Conclusion and Rating

Based on our review, and in accordance with the enclosed rating criteria, the EPA has rated the Draft EIS as “Environmental Concerns – Insufficient Information” (“EC-2”). The EC rating signifies that the EPA’s review has identified environmental impacts that should be avoided in order to fully protect the environment. The basis for the EC rating is that the EPA identified impacts that should be avoided or reduced. The “2” rating signifies that the Draft EIS does not contain sufficient information for the EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment. Information is missing from the analyses for water quality, wetlands, channel morphology, and mitigation/adaptive management as outlined in our comments above. We recommend this information be incorporated into the Final EIS. A description of the EPA’s rating system can be found at: <http://www.epa.gov/compliance/nepa/comments/ratings.html>.

We appreciate the opportunity to participate in the review of this project. If we may provide further explanation of our comments during this stage of your planning process, please contact me at 303-312-6704, or Maggie Pierce, Lead NEPA Reviewer, at 303-312-6550.

Sincerely,



Philip S. Strobel, Acting Director
NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation